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Attorneys for Plaintiff Leon Mark Kizer

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

16 LEON MARK KIZER.

17 Plaintiffs,

18 VS.

19 PTP, INC., et al.

20 Defendants.

Case No.: 3:15-cv-00120-RCJ-WGC

**ORDER OF DISMISSAL OF MOST
DEFENDANTS AND PROPERTIES
PURSUANT TO RULE 41(a)(2) OF THE
FEDERAL RULES OF CIVIL
PROCEDURE**

1 Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff Leon Mark Kizer
2 (“Plaintiff”) and Defendants Bureau of Indian Affairs (“BIA”), Pine View Estates Home Owners’
3 Association (“HOA”), PTP, Inc. (“PTP”), and the individual defendants who have appeared in this
4 action, (“Individual Defendants”, and with BIA, HOA and PTP, “Defendants”), by and through
5 their respective counsel of record, hereby submit this Stipulation of Dismissal as follows:

6 WHEREAS, Plaintiff and Defendants executed a Settlement Agreement among Plaintiff,
7 Defendants, and certain defendants who have not appeared in this action.

8 WHEREAS, Frances and Aileen Brun have failed to appear, Plaintiff’s Motion for Default
9 Judgment to void their alleged leasehold interest in the properties commonly known as 113 Mark
10 Street and 121 Mark Street, Gardnerville, Nevada, has been granted (ECF No. 462), and Plaintiff’s
11 Motion Requesting Entry of Judgment as to Defendants Francis and Aileen Brun voiding their
12 alleged leasehold interest in the properties commonly known as 113 Mark Street and 121 Mark
13 Street, Gardnerville, Nevada, has been filed (ECF No. 470).

14 WHEREAS, all conditions of the Settlement Agreement have been satisfied, Plaintiff and
15 Defendants now desire to dismiss this entire action, including all claims, counterclaims and
16 crossclaims, with prejudice as to all defendants except for **Frances and Aileen Brun** and for all
17 properties **except 113 Mark Street and 121 Mark Street, Gardnerville, Nevada**, in accordance
18 with the terms of the Settlement Agreement.

19 WHEREAS, Plaintiff and Defendants hereby file this Stipulation of Dismissal with
20 prejudice of all defendants except for **Frances and Aileen Brun** and for all properties **except 113**
21 **Mark Street and 121 Mark Street, Gardnerville, Nevada**, pursuant to Rule 41(a)(2) of the
22 Federal Rules of Civil Procedure.

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1 Each party shall bear its own costs and fees.

2 IT IS SO STIPULATED.

3 Dated: May 14, 2019

LEMONS, GRUNDY & EISENBERG

5 By: /s/ Douglas R. Brown

Douglas R. Brown

Dane A. Littlefield

Attorneys for Plaintiff, Leon Mark Kizer

7 Dated: May 14, 2019

DYER LAWRENCE, LLP

9 By: /s/ Francis C. Flaherty

Francis C. Flaherty

10 Attorneys for Defendant, Pine View Estates Home
Owners Association

11 Dated: May 14, 2019

ALLISON MACKENZIE LTD

13 By: /s/ Joan C. Wright

14 Joan C. Wright

15 Attorneys for Defendants, John Gerken; Cindy Gerken;
Gregory Gerken; Max Hoseit; Christina Reinholtz;
Daniel Reinholtz; and Wells Fargo Bank

16 Dated: May 14, 2019

FIDELITY NATIONAL LAW GROUP

18 By: /s/ Marni Rubin Watkins

19 Marni Rubin Watkins

20 Attorneys for Defendants Listed on Attachment A as
Represented by Fidelity National Law Group

21 Dated: May 14, 2019

KELLY R. CHASE

22 By: /s/ Kelly R. Chase

23 Kelly R. Chase

24 Attorneys for Defendants, Chris and Joyce Howell; Kirk
and Gina Johnson; Johnson Development, LLC; Tracey
Morris

Dated: May 14, 2019

CLOUSER, HEMPEN WASICK LAW GROUP, LTD

By: /s/ Justin M. Clouser

Justin M. Clouser
Attorneys for Defendants, Paul Schmidt, Successor
Trustee of the Schmidt Family Trust (Melvin and Pearl
Schmidt); Christine Armenta; Frank Ross

Dated: May 14, 2019

UNITED STATES BUREAU OF INDIAN AFFAIRS

By: /s/ Greg Addington

Nicholas A. Trutanich, United States Attorney
Greg Addington, Assistant United States Attorney
Devon Lehman McCune, Senior Attorney
Attorneys for Defendant, Bureau of Indian Affairs

Dated: May 14, 2019

EARLY SULLIVAN WRIGHT
GIZER & McRAE LLP

By: /s/ Diane M. Luczon

Eric P. Early
Scott E. Gizer
Diane M. Luczon
Attorneys for Defendants Listed on Attachment A as
Represented by Early Sullivan Wright Gizer & McRae
LLP

IT IS SO ORDERED:

Dated this 29th day of May, 2019.

United States District Judge

ATTACHMENT A

PARTIES REPRESENTED BY FIDELITY NATIONAL LAW GROUP

John R. Castaneda and Rachel Lencioni; Cedar Flats Ventures, LLC; Doug Behr and Eileen Behr; Stanley J. Conner; Loretta Conner; Donald Damotte; Stephen Dickerson; Cheri Donahue; Paul Fleury and Phyllis Rhoden; Roland Faiferek; Lee Faiferek; Paul Hanson; Donald and Bonnie Jackson; Kyle S. Larsen; Marcie Rae Larsen; Trever McCanless; Jason Meindl; Ray I. Meyers; Alberta C. Meyers; Anne Moran; John Olson and Mary Olson, Trustees of the John and Mary Olson Living Trust; Krystle Pierce; Joseph M. Presto, Sr.; Jean D. Presto; John Rodman; Reinalda Rodriguez; Wayne M. and Sharon L. Sharrar Revocable Trust; Wayne M. Sharrar; Sharon L. Sharrar; Stephen Wilken; Erick Smith; Paul Schmidt; Kathy Schmidt; Megan Stewart

PARTIES REPRESENTED BY EARLY SULLIVAN WRIGHT GIZER & McRAE LLP

Karen Archer; William Archer; Diane Azevedo; Tony Azevedo; Donald Bates; Peter Beekhof, Jr.; Edward Bellesiles; Johanna Bellesiles; Barbara Benz; James Robert Betts; Kathleen Biase; Betty Birnbaum; Diane Blair; Annelore Brisson; Timothy Brisson; Philip Brown; Sylvia Brown; John Burbeck; Marcia Burbeck; Robert Burgoon; Justin Burks; Michael Buttram; Lauren Campo; Constance Caperton; Gerald Caperton; Anna Carmagnola; Estate of Laurence Carmagnola; Spencer Case; Alfred Castro; Virginia Castro; Denny Cavnar; Sara E. Center; Henry Ceresa; Vicki Christensen; Robin Clark; Sharon Clark; Steven Clark; Robert Coble; Leon Coley; Patricia Coley; Henrietta Conyers; Jay Conyers; Lois Cordeiro; Barbara Cropper; George Cummings; Diane Davis; Estate of David Davis; Christopher Eckert; Jenifer Eckert; Daryl Elizalde; Rebecca Elizalde; Gerald Enderle; Judith Enderle; Jason Ensminger; Lee Faiferek; Roland Faiferek; Fabiola Fernandez; Mary Fesko; Steven Figueroa; Linda Foster; Michael Foster; Ramona Freedman; Barbara Furry; Marty Furry; Elaine Gehr; James Gennarini; Vicki Gennarini; Gabriel Gonsalves; Jan Gonsalves; Erika Gonzalez; Osbaldo Gonzalez; Estate of Lynne Griggs; Roger Griggs; Carmen Gristi; Bret Guariglia; Mandee Guariglia; John Hagopian; Pamm Hagopian; Karen Hall; Jaimie Halliday; Susan Halliday; Sara Henderson; Karla Henry; Rachel Heyen; John Heza; Josephine Heza; Andrew Hickman; Theresa Hickman; Jeffrey Hill; Jill Hisao Jencks; Leinani Hosmer; Stephen Hosmer; Janet Humphrey; Mary Lu Hunt; Harry

1 Hunt; Brandon Isenhart; Elizabeth Isenhart; Dirk Jansse; Christen Jansse aka Christen V. Etheridge; Bobby
2 Jensen; Mary Ann Jensen; Dale Johnstone; Charlie Jones; John Jordan; Judith Jordan; Christy Kegg; Gary
3 Kendrick; Susan Kendrick; Matt Kleen as Trustee of the Kleen Family Trust; John Knappenberger; Linda
4 Ray Koleff; Ella Laden; Estate of Elizabeth Lapp; Robert Lapp; Emanuel LaTorre; Chad Lawrence; Kevin
5 Lindquist; Sherrie Lindquist; Regina Littlebeaver; David MacGillivray; Jose Magana; Maria Magana;
6 Daniel Maldonado; Geraldine Maldonado; Francisco Marin; Louise Marin; Constance McCarthy; John
7 McCarthy; Evelyn McClain; Joyce McKernan; David Messer; Victoria Messer; Estate of John Miller; Linda
8 Miller; Christopher Mullin; Patricia Neyman; Sharon Nicholas; Julie Nicholson; Sharon Norman; Alice
9 Norton; Elizabeth O'Hara; Estate of Patrick O'Hara; Vince Pacheco; Richard Padilla; Jean Pagendarm;
10 Michelene Pease; Josephine Perri; Louis Perri; Amy Poole; Donald Poole; Angela Powell; Mitchell Powell;
11 John Redd; Stefnie Rippe; Steve Rippe; Jennifer Rodgers (Wilgers); Joaquin Rodriguez; Keith Rollin;
12 Lepolion Rose; Paula Rose; Ed Sabouri; Nazzi Sabouri; Wendy Sands; Linda Sanfilippo; Robert Sanfilippo;
13 Robert Shorback; Estate of Merna Simpson; Carolyn Skeins; James Skeins; Carmen Skelton; Steve Smit;
14 Barbara Smith; R. James Smith; Douglas Steed; Victoria Steed; April Stephens; Randall Stephens; Edward
15 Stevens; Sharon Stevens; Mindy Stevenson; Douglas Stimpson; Kathleen Stimpson; Robert Stone; Marie
16 Sutton; Chris Swanson; Josephine Taylor; Michael Teeuwen; Sharon Thompson; Steven Thompson; Melba
17 Tiffee; Ronald Tiffee; Charles Tisdale; Cynthia Tisdale; Carmen Valadez; Santiago Valadez; Paul Vechil;
18 Debra Veselitz; Francis Voudy; Robert Voudy; Betty Jo Wailes; Russel Wailes; Doris M. Watts; Danielle
19 Wilson; Laurence Wilson; Elaine Zolkos; 274 Mark St. LLC; R&C Ventures, LLC; Topaz Lodge, Inc.;
20 Penny Hunter as trustee of the Hunter Family Trust dated December 2, 2015; Mark Hunter as trustee of the
21 Hunter Family Trust dated December 2, 2015; and Ventures Trust 2013-I-H-R
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